

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DETROIT CARPENTERS
FRINGE BENEFIT FUNDS,

Plaintiffs,

v.

CRAWFORD PILE DRIVING, LLC,
and TODD A. CRAWFORD,

Defendants.

Civil Case No. 18-10932
Honorable Linda V. Parker
Magistrate Judge Mona K. Majzoub

OPINION AND ORDER

On March 21, 2018, Plaintiffs initiated this lawsuit against Defendants for: (1) delinquent fringe benefits, liquidated damages, prejudgment interest, fees and costs for the audit period of January 1, 2014 through February 28, 2017; (2) violation of the Michigan Builders Trust Act; and (3) violation of the Employee Retirement Income Security Act (“ERISA”), 29 U.S. C. § 1001 et seq. (ECF No. 1; ECF No. 17.) On March 5, 2019, Magistrate Judge Majzoub granted Plaintiffs’ Motion to Compel, and ordered Defendants to pay the reasonable expenses and attorneys’ fees that Plaintiffs incurred in bringing the Motion. (ECF No. 23; ECF No. 17.) The following day, Plaintiffs filed a Motion for Attorneys’ Fees pursuant to the Court’s March 5, 2019 Opinion and Order. (ECF No. 24.) On May 15, 2019, Magistrate Judge Majzoub issued a Report and Recommendation (R&R),

pursuant to 28 U.S.C. § 636(b)(1), recommending that Plaintiffs be awarded attorneys' fees in the amount of \$814.00, payable by Defendants to Plaintiffs' counsel within twenty-one (21) days. (ECF No. 37.)

Magistrate Judge Majzoub concluded that Plaintiffs' counsel's hourly rate was reasonable; but also found some of the time on Plaintiffs' counsel's itemized billing unreasonable and recommended a reduction of 1.5 hours. (*Id.* at 5, Pg. ID 266.) Therefore, Magistrate Judge Majzoub recommended that Plaintiffs be awarded attorneys' fees in the amount of \$814.00 for 4.4 hours of legal work at an hourly rate of \$185.00.

At the end of the R&R, Magistrate Judge Majzoub advised the parties that they may object to and seek review of the R&R within fourteen (14) days of service upon them. (*Id.* at 6, Pg. ID 267) She further specifically advised the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.*) Neither Plaintiff nor Defendant filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Majzoub. The Court therefore adopts Magistrate Judge Majzoub's May 15, 2019 R&R.

Accordingly,

IT IS ORDERED that Magistrate Judge Majzoub's May 15, 2019 R&R (ECF No. 37) is **ADOPTED**; and

IT IS FURTHER ORDERED that Plaintiffs' Motion for Attorneys' Fees (ECF No. 24) is **GRANTED** in accordance with this Opinion and Order.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: August 8, 2019